

REMARKS/ARGUMENTS

This is a preliminary amendment in a RCE application. The Office Action mailed June 6, 2005 has been carefully reviewed. Reconsideration of this application, as amended and in view of the following remarks, is respectfully requested. Claims 1 and 2 have been amended and all of the other claims have been cancelled; therefore, amended claims 1 and 2 are presented for examination.

Response

In numbered paragraph 1 of the Office Action mailed June 6, 2005 the statements were made, (1) the laser means is not lucid, please define what the laser means of claim 1 includes with respect to the specification, and (2) the transitional phrase consisting of the independent claim excludes the optical splitter which is required for the operability of the invention.

With regard to # 1 above, the claims have been amended to change the term laser means to, "a laser module for generating an emission signal and a reference signal" and "said laser module comprises multiple lasers that generate said optical emission signal and said optical reference signal."

With regard to # 2 above, the claims have been amended to include the optical splitter as, "a splitter connected to said laser module for splitting said emission signal and said reference signal."

Applicants believe this overcomes the issues raised in statements 1 and 2 in numbered paragraph 1 of the Office Action mailed June 6, 2005 and that a full and complete response to numbered paragraph 1 of the Office Action mailed June 6, 2005 has been provided.

### Specification

In numbered paragraph 2 of the Office Action mailed June 6, 2005 claim 2 was object to under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicants have amended claim 2 so that it further limits the element of its parent claim 1 by stating, "said laser module comprises multiple lasers that generate said optical emission signal and said optical reference signal."

Applicants believe this overcomes the objection under 37 CFR 1.75(c) in numbered paragraph 2 of the Office Action mailed June 6, 2005 and that a full and complete response to numbered paragraph 2 of the Office Action mailed June 6, 2005 has been provided.

### 35 U.S.C. §112, Second Paragraph Rejections

In numbered paragraphs 3 and 4 of the Office Action mailed June 6, 2005 claims 1-3 and 8-11 were rejected under 35 U.S.C. §112, second paragraph, as incomplete for omitting the splitter and the interconnecting optical fibers. Applicants have amended claims 1 and 2 to include the splitter and the interconnecting optical fibers.

In numbered paragraph 5 of the Office Action mailed June 6, 2005 claims 1-3 and 8-11 were rejected under 35 U.S.C. §112, second paragraph, as incomplete for omitting essential structural cooperative relationships of the optical fibers and the interconnecting optical fibers. Applicants have amended claims 1 and 2 to include the structural cooperative relationships of the splitter, probe, emission optical detector, reference optical detector, and the interconnecting optical fibers.

Applicants believe this overcomes the rejection under 35 U.S.C. §112, second paragraph, in numbered paragraphs 3, 4, and 5 of the Office Action mailed June 6, 2005 and that a full and complete response to numbered

paragraphs 3, 4, and 5 of the Office Action mailed June 6, 2005 has been provided.

35 U.S.C. §112, First Paragraph Rejections

In numbered paragraphs 6 and 7 of the Office Action mailed June 6, 2005 claims 1-3 and 8-11 were rejected under 35 U.S.C. §112, first paragraph, as based on a disclosure which is not enabling because the splitter and the interconnecting optical fibers are critical or essential to the practice of the invention, but not included in the claims.

Applicants have amended claims 1 and 2 to include the splitter and the interconnecting optical fibers. Applicants believe this overcomes the rejection under 35 U.S.C. §112, first paragraph, in numbered paragraphs 6 and 7 of the Office Action mailed June 6, 2005 and that a full and complete response to numbered paragraphs 6 and 7 of the Office Action mailed June 6, 2005 has been provided.

35 U.S.C. §101

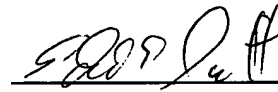
In numbered paragraphs 8 and 9 of the Office Action mailed June 6, 2005 claims 1-3 and 8-11 were rejected under 35 U.S.C. §101 because the disclosed invention is inoperative.

Applicants have amended claims 1 and 2 to include the splitter and the interconnecting optical fibers. Applicants believe this overcomes the rejection under 35 U.S.C. §101 in numbered paragraphs 8 and 9 of the Office Action mailed June 6, 2005 and that a full and complete response to numbered paragraphs 8 and 9 of the Office Action mailed June 6, 2005 has been provided.

SUMMARY

The undersigned respectfully submits that, in view of the foregoing amendments and the foregoing remarks, the issues raised in the Office Action dated June 6, 2005 have been fully addressed and overcome. The present application is believed to be in condition for allowance. It is respectfully requested that this application be reconsidered, that the claims be allowed, and that this case be passed to issue. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to call the undersigned attorney at (925) 424-6897.

Respectfully submitted,



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